IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.1483 OF 2006

M/s.Minal Exports & Anr. ..Petitioners.

V/s.

Union of India & Ors. ..Respondents.

Ms.Shilpa Belani i/b. Jerry Lewis for petitioners.

Mr.P.S.Jetly with C.J.Joy for respondents.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 16TH AUGUST, 2006.

P.C. :-

Heard Ms.Balani in support of the petitioners. Mr.Jetly appears for respondents. Petition has been filed to challenge the order in appeal dated 20th January, 2006 passed by the Additional Director General of Foreign Trade. That order had recorded that the petitioner had not deposited 10% of the penalty which was required to be given as pre deposit and, therefore, the appeal was rejected.

2. After this petition was filed, the petitioners have deposited that 10% amount and Ms.Balani has tendered a photocopy of the challan

regarding deposit of Rs.6,50,000/- with the Central Bank of India being 10% deposit of the penalty of Rs.65,00,000/- and meant towards account No.1453, Foreign Trade & Export Promotion. In view thereof, it is clear that the order of pre-deposit has been complied with.

3. We, therefore, set aside the order in appeal dated 20th January, 2006 dismissing the appeal for non deposit. Appeal stands restored to the file of the Director General of Foreign Trade who will decide it on its own merits.

4. Petition disposed of accordingly.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)